IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT APPEAL No. 1090 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/01/2004 in WP NO : 24805 OF 1995 on the file of the High Court.)

Between:

Tirumala Tirupati Devasthanams, Tirupati, Chittoor Dist, rep. by its Executive Officer.

..... APPELLANT

AND

1 V. Ramachandraiah, S/o. Rosaiah
R/o. Tirupati.

2 Govt of A.P.,

rep. by the Prl. Secretary, Revenue Department,

Secretariat, Hyd.

.....RESPONDENTS

Counsel for the Appellant: MR.A.K.JAYAPRAKASH RAO
Counsel for the Respondent No.1.: MR.S.KISHORE
Counsel for the Respondent No.2: GP FOR REVENUE

The Court at the stage of admission made the following :

ORAL ORDER:

(Per The Hon'ble Sri Justice J.Chelameswar)

The respondent in Writ Petition No.24805 of 1995 is the appellant herein. The first respondent herein was the writ petitioner.

The first respondent was working as cleaner in Tirumala Tirupati Devesthanams. While he was attending to his duties he met with an accident and suffered a permanent disability. The appellant sanctioned a compensation of Rs.29,400/- (Rupess twenty nine thousand and four hundred only) and discharged him from service. However, on a subsequent application by the first respondent, he was once again appointed as NMR and by proceedings dated 30th October, 1990, absorbed on regular scales of pay. The first respondent made a representation dated 13th May, 1991 that the period between 01-11-1979 to 10-10-1990 be taken into consideration for the purpose of computing his service benefits and offered to refund the amount of compensation received by him earlier. The appellant herein considered the representation and passed resolution dated 28th May, 1992 holding that the representation of the first respondent is liable to be accepted, but however, on a misconception that such a decision is required to be approved by the second respondent herein and forwarded the same to the second respondent for its approval. However, the second respondent refused to approve the decision of the appellant and hence, the writ petition by the first respondent.

The learned single Judge of this Court, rightly came to the conclusion that the decision of the appellant in its resolution dated 28th May, 1992, did not require any approval from the 2nd respondent, as there is no need under law, which suggested that such an approval is required, allowed the writ petition.

Nothing is brought to our notice to establish that the decision, such as one, taken by the appellant by its resolution dated 28th May, 1992, in the case of the first respondent is required to be approved by the 2nd respondent-State.

In the circumstances, we do not see any reason to interfere with the order under appeal.

Accordingly, the writ appeal is dismissed at the stage of admission. However, in the circumstances, there shall be no order as to costs.

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J.Chelameswar, J

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Goda Raghuram, J

20-07-2004

mrk

To

1. The Prl.Secretary, Revenue Department, Government of A.P., Secretariat, Hyderabad.
2. 2 Copies to the Government Pleader for Revenue, High Court Buildings, Hyderabad.
3. 2 CD copies.